

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

UNITED STATES OF AMERICA)
)
v.) Case No. CR609-048
)
MICHAEL PAUL SANDERS)

ORDER

Michael Paul Sanders, convicted on September 1, 2010 of participation in a large drug conspiracy, asks the Court to provide him with free copies of his sentencing transcript, plea agreement, superseding indictment, and “any miscellaneous motions, briefs, orders, etc.” (Doc. 1057.) In other words, he wants the court reporter to prepare and provide a free copy of his transcripts and the clerk to print and mail, at public expense, every document filed in his case.

Sanders has not appealed or filed a non-frivolous 28 U.S.C. § 2255 motion, though he asserts he *will* file a § 2255 motion alleging prosecutorial misconduct. (Doc. 1061.) It is doubtful he can do so, as he acceded to a limited waiver of his appellate and collateral rights

when he entered his plea. (Doc. 775 (plea agreement).) Moreover, it appears that the time for filing such a motion has long since expired. 28 U.S.C. § 2255(f)(1) (requiring a movant to file a § 2255 motion within one year of the date his conviction becomes final). Absent a non-frivolous appeal or § 2255 motion, Sanders is not entitled to a free copy of any Court records. *United States v. Ciszowksi*, 2008 WL 2742697 at *1 (M.D. Fla. July 11, 2008), *citing Skinner v. United States*, 434 F.2d 1036, 1037 (5th Cir. 1970)¹; *see also* 28 U.S.C. § 753(f) (“Fees for transcripts furnished in proceedings brought under section 2255 of this title to persons permitted to sue or appeal in forma pauperis shall be paid by the United States out of money appropriated for that purpose if the trial judge or a circuit judge certifies that the suit or appeal is not frivolous and that the transcript is needed to decide the issue presented by the suit or appeal.”); *cf.* 28 U.S.C. § 2250 (“If on any application for a writ of habeas corpus an order has been made permitting the petitioner to prosecute the application in forma

¹ *Skinner* is binding Eleventh Circuit precedent. *Bonner v. City of Prichard*, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc) (adopting as binding precedent all decisions of the former Fifth Circuit decided prior to October 1, 1981).

pauperis, the clerk of the court of the United States shall furnish the petitioner without cost certified copies of such documents or parts of the record on file in his office as may be required by order of the judge before whom the application is pending.”). Consequently, Sanders’ motion requesting “specific court documents” at public expense (doc. 1057) is **DENIED**.

SO ORDERED this 1st day of February, 2013.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA